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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,561	04/02/2004	Chad D. Overvaag	380-154	3795
1009	7590	06/01/2007	EXAMINER	
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	
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			06/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/817,561	OVERVAAG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Theresa T. Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/12/2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, the light source includes an electrical motor, as provided in claim 6?

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925.

Vystrcil et al. discloses a similar vacuum cleaner however fails to disclose a flexible, electrified stretch hose.

Vystrcil et al. discloses a nozzle assembly including an intake opening (fig. 1, #328).

Vystrcil et al. discloses a handle assembly connected to the nozzle assembly (fig. 1, #c).

Vystrcil et al. discloses a suction generator carried on the nozzle or the handle assembly (col. 9, lines 10-11).

Vystrcil et al. discloses a dirt collection vessel carried on the handle assembly (col. 9, lines 8-10).

Vystrcil et al. discloses a flexible, stretch hose carried on the handle assembly (fig. 1, #320). GB2322925 discloses a flexible, electrified stretch hose carried on one of a nozzle assembly and a handle assembly (page 3, page 6, lines 1-2). It would have been obvious to one of ordinary skill in the art to provide the electrified hose of GB2322925 in Vystrcil et al. to allow for use with powered attachment tools.

With respect to claim 4, GB2322925 discloses the hose including three insulated electrical conductors (page 7).

With respect to claim 15, Vystrcil et al. discloses the dirt collection vessel being a filter bag (col. 9, lines 8-9).

5. Claims 2-3, 5, 11-13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925 as applied to claim 1 above, and further in view of Ohara et al.(6,148,474).

Vystrcil et al. in view of GB2322925 disclose a similar vacuum cleaner however fails to disclose an electrified cleaning wand.

Vystrcil et al. discloses a cleaning wand (fig. 2, A). GB2322925 discloses the hose having at least two insulated electrical conductors (fig. 2, #4,5,12,14). Ohara et al. discloses a vacuum cleaner with an electrified wand connected to a flexible hose (fig. 1, #40,11). It would have been obvious to one of ordinary skill in the art to provide the electrified wand of Ohara et al. in Vystrcil et al. in view of GB2322925 to allow for use with powered attachment tools.

With respect to claim 3, GB2322925 discloses the hose including a reinforcing wire and a collapsible wall (fig. 6, #53, fig. 3, #10).

With respect to claim 5, Vystrcil et al. discloses a cleaning attachment and a first connector securing the attachment to the wand (fig. 2, #326, connector being unnumbered tapered element at end of A).

With respect to claim 11, Vystrcil et al. discloses a second connector securing the wand to the hose (fig. 2, unnumbered element between A and D,H).

With respect to claims 12-13, Ohara et al. discloses the wand having multiple sections that are capable of telescoping (abstract).

6. Claims 6-7, 9, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925 and Ohara et al.(6,148,747) as applied to claim 5 above, and further in view of Westergren(4,787,117).

Vystrcil et al. in view of GB2322925 and Ohara et al. disclose a similar vacuum cleaner however fails to disclose a cleaning attachment that receives electrical power.

With respect to claims 7 and 22, Westergren discloses a vacuum cleaner that has a cleaner attachment, a rotary agitator, that receives power from electrical conductors of a wand a hose (fig. 1, #12,13,16, col. 4, lines 32-33). It would have been obvious to one of ordinary skill in the art to provide the powered attachment of Westergren in Vystrcil et al. in view of GB2322925 and Ohara et al. to allow for the most effective removal of dirt from an elevated surface.

With respect to claim 9, it would have been obvious to one of ordinary skill in the art to determine the most appropriate type of cleaning attachment to use in Vystrcil et al. in view of GB2322925 and Ohara et al. and Westergren to allow for the most effective cleaning of a desired surface.

With respect to claims 18-19, Westergren discloses a control switch for activating and deactivating the motor of the cleaning attachment located on the wand (fig. 1, #21).

With respect to claim 20, the apparatus of Vystrcil et al. in view of GB2322925 and Ohara et al. and Westergren would inherently provide the claimed method.

With respect to claim 21, GB2322925 discloses the hose having at least two insulated electrical conductors (fig. 2, #4,5,12,14). Ohara et al. discloses a vacuum cleaner with an electrified wand connected to a flexible hose (fig. 1, #40,11).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925 and Ohara et al.(6,148,747) and Westergren(4,787,117) as applied to claim 6 above, and further in view of Redding(5,983,443).

Vystrcil et al. in view of GB2322925 and Ohara et al. and Westergren discloses a similar vacuum cleaner however fails to disclose the cleaning attachment being a light source. Redding discloses a vacuum cleaner having a light source as cleaner attachment that is powered through electrical conductors in a hose (abstract). It would have been obvious to one of ordinary skill in the art to provide the light source of Redding in Vystrcil et al. in view of GB2322925 and Ohara et al. and Westergren to allow for illumination of a specific work area.

8. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925 and Ohara et al.(6,148,747) as applied to claims 5 and 21 respectively above, and further in view of Redding(5,983,443).

Vystrcil et al. in view of GB2322925 and Ohara et al. discloses a similar vacuum cleaner however fails to disclose the cleaning attachment being a light source.

Redding discloses a vacuum cleaner having a light source as cleaner attachment that is powered through electrical conductors in a hose (abstract). It would have been obvious to one of ordinary skill in the art to provide the light source of Redding in Vystrcil et al. in view of GB2322925 and Ohara et al. to allow for illumination of a specific work area.

9. Claims 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vystrcil et al.(5,797,162) in view of GB2322925 as applied to claim 1 above, and further in view of Dyson(4,753,236).

Vystrcil et al. in view of GB2322925 disclose a similar vacuum cleaner however fails to disclose a rotary agitator.

Dyson discloses a vacuum cleaner having a rotary agitator in the nozzle assembly (fig. 6, #4). It would have been obvious to one of ordinary skill in the art to provide the rotary agitator of Dyson in Vystrcil et al. in view of GB2322925 to allow for the most effective removal of dirt from a surface.

With respect to claims 16-17, Dyson discloses a dirt collection vessel including a dirt cup that is cylindrical in shape and has a tangentially directed inlet opening (fig. 1, #1). It would have been obvious to one of ordinary skill in the art to provide the dirt cup of

Dyson in Vystrcil et al. in view of GB2322925 to allow for the most effective separation of dirt from an air stream.

***Response to Arguments***

10. Applicant's arguments with respect to claims 20-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Theresa T. Snider

Art Unit: 1744

*Shereen S. Shinde*

Primary Examiner  
Art Unit 1744

5/29/07